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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,304	07/24/2003	Raymond Moskaluk	200309921-1	1906
22879 7590 10/17/2007 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER QIN, YIXING	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 10/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/627,304

Applicant(s)

MOSKALUK, RAYMOND

Examiner

Yixing Qin

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-17 and 19-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-17 and 19-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In response to applicant's amendment received 7/11/07, all requested changes have been entered.

Response to Arguments

The 112 issues have been overcome and the 112 rejection will be withdrawn in this action. However, Applicant's arguments filed 7/11/07 have been fully considered but they are not persuasive. The argument is that the Ostrover reference does not teach or suggest the amended claims, and that the basis of Ostrover discloses as written text teaches away from the usage of photo-based images. The Examiner disagrees. The Ostrover reference discloses the attachment of a memory device on a printed media for storing a digital representation of the printed matter on the media. The applicant's invention focuses on the printed matter being a photo based image. Ostrover discloses in column 2, lines 24-37 that the document with the attached chip contains visual data from one of text, image, color and texture. Column 4, lines 47-65 discloses that the electronic document can be of a variety of formats. Since photo based images are typically known to be in JPEG, GIF, or TIFF, the Ostrover reference has enough to at least suggest receiving a photo based image. The rejection will be 103, since the Ostrover reference does not explicitly disclose using photo-based images and paper, but those are simply one particular type of format and media to be used in a system that is taught by Ostrover. Please see the rejection below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

I. Claims 1-8, 14-18, and 25-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Ostrover (U.S. Patent No. 6,585,154).

Regarding claims 1, 25, Ostrover discloses an image storage method comprising:

It does not explicitly disclose "receiving a first photo-based image;"

However, Ostrover discloses in column 6, lines 22-24 and column 4, lines 47-65 that the electronic document can be of a variety of formats. Since photo based images are typically known to be in JPEG, GIF, or TIFF, the Ostrover reference has enough to at least suggest receiving a photo based image.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a photo-based image

The motivation would have been to adapt the Ostrover invention to one particular type of image to be printed.

Therefore, it would have been obvious to adapt Ostrover to obtain the invention as specified.

printing a picture of said first photo-based image on a media; (column 6, lines 30-33) and

placing an encoded representation of said first photo-based image on said media (column 4, line 66 – column 5, line 14.), wherein a reprint of said picture is obtainable by a reading of said encoded representation from said media. (column 6, lines 15-41, especially lines 33-37)

Regarding claims 2, 29, Ostrover discloses the method of claim 1, wherein said encoded representation of said first photo-based image comprises a computer-readable representation of said first photo-based image. (column 4, lines 47-65)

Regarding claims 3, 26, Ostrover discloses the method of claim 1, further including creating said encoded representation of said first photo-based image. (column 4, lines 24-37)

Regarding claims 4, Ostrover discloses the method of claim 1, further including receiving a picture of said first photo-based image. (column 6, lines 25-30)

Regarding claims 5, 6, Ostrover discloses the method of claim 1, wherein said receiving said first photo-based image comprises receiving a non-character-representation-based computer-readable image. (column 6, lines 25-30, again from claim 1 above, the image can be a variety of formats that is not character or text based)

Regarding claim 8, Ostrover discloses the method of claim 1, wherein said placing said encoded representation of said first photo-based image on said media comprises placing said encoded representation of said first photo-based image in a computer-readable storage on said media. (Fig. 1)

Regarding claim 14, Ostrover discloses the method of claim 1, wherein said placing said encoded representation of said first photo-based image on said media comprises attaching said encoded representation of said first photo-based image to said media. (Fig. 1)

Regarding claim 15, Ostrover discloses an image storage method comprising:
receiving a first media of photographic paper comprising an encoded representation of a photo-based image; (column 6, lines 25-29, and column 4, lines 47-65 – as mentioned above in claim 1, a particular format or media in which the document is printed on is simply a choosing of a specific type of document.) and

replicating a picture of said photo-based image on a second media, said replicating based on said encoded representation of a non-character-representation-based as said photo-based image. (column 6, lines 30-33)

Regarding claim 16, Ostrover discloses the method of claim 15, wherein said first media of photographic paper includes an existing picture that is represented by said encoded representation of said photo-based image. (column 6, lines 25-29, column 4, lines 47-65)

Regarding claim 17, Ostrover discloses the method of claim 15, further including placing a copy of said encoded representation of a non-character-representation-based said photo-based image on said second media. (column 4, line 66 – column 5, line 14)

Regarding claim 27, Ostrover discloses the image processing system of claim 25, wherein said first photo-based image is a digital representation of a picture. (column 6, lines 26-30, column 4, lines 47-65)

Regarding claim 28, Ostrover discloses the method of claim I, wherein said printing said picture of said first photo-based image comprises printing a picture of said first photo-based image on said media. (column 6, lines 30-33)

Regarding claim 30, Ostrover discloses the image processing system of claim 25, further including means for reading said encoded representation of said first photo-based image. (column 6, lines 36-41)

Regarding claim 32, Ostrover discloses the method of claim 8, wherein said placing said encoded representation of said first photo-based image in said computer-readable storage on said media comprises placing said encoded representation of a non-character-representation-based image in said computer-readable storage on photographic paper. (column 6, lines 15-26. Again, the particular type of format or media used would be an obvious variation of the Ostrover invention)

Regarding claim 33, Ostrover discloses the method of claim 14, wherein said attaching said encoded representation of said first photo-based image to said media comprises:

placing said encoded representation of a non-character-representation-based image in a computer-readable storage; and

attaching said computer-readable storage to photographic paper. (column 6, lines 15-26. Again, the particular type of format or media used would be an obvious variation of the Ostrover invention)

II. Claims 9-13, 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ostrover (U.S. Patent No. 6,585,154) in view of Official Notice.

Regarding claims 9-13, 20-24, Ostrover discloses a microchip with a memory that is to be attached to a surface for representing a document printed on that surface.

It does not explicitly disclose the specific types of memories used.

However, the Examiner takes Official Notice on the use of different types of memories since they are common mediums used in data storage.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used any known storage medium.

The motivation would have been to allow various ways to store data depending on various needs such as size, cost, etc.

Therefore, it would have been obvious to use various to obtain the invention as specified.

Regarding claim 19, Ostrover discloses an image storage media comprising:
means for receiving a first photo-based image; (column 6, lines 22-24 and column 4, lines 47-65 – as discussed in claim 1 above)

means for printing; (Fig. 2, item 29, 30)

a first surface adapted for displaying a picture of a photo-based image printed from said means for printing; (column 3, lines 38-44column 6, lines 60-33 – it would be obvious to have printed the documents using a printer or copier in the system in Fig. 2)

means for storing; (column 3, lines 61-67) and
a second surface configured for storing an encoded representation of said photo-based image from said means for storing, said first and second surfaces being in communication with each other, wherein a replicate picture of said first photo-based image is obtainable through employment of said encoded representation from said second surface.. (column 6, lines 15-60. Although Ostrover does not detail which surface to print onto, it is well known to be able to print information on both side of a media)

III. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ostrover (U.S. Patent No. 6,585,154) in view of the applicant's admitted prior art in the background of the invention ("background")

Regarding claim 31, Ostrover discloses a method for storing an electronic representation of data in a memory device attached to a printed medium.

It does not explicitly disclose "wherein said receiving said first photo-based image comprises receiving a photographic negative or positive;"

However, the background discloses in P[0004] that one type of input format can be a photographic negative.

Ostrover and the background are combinable because both are in the art of printing and reprinting information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a photographic negative or positive as an input format.

The motivation would have been to use a particular format and to adapt Ostrover's invention to a particular use, which in this case is printing photos.

Therefore, it would have been obvious to combine Ostrover and the background to obtain the invention as specified.

Ostrover further suggests wherein said printing said picture of said first photo-based image on said media comprises printing said picture on photographic paper, wherein said placing said encoded representation of said first photo-based image on said media comprises placing said encoded representation on said photographic paper. (column 6, lines 15-26. Again, the particular type of format or media used would be an obvious variation of the Ostrover invention)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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